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APR 28 2005

PATENT

Practitioner's Docket No. NAIIP360/00.148.01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan Edwards et al.

Application No.: 09/823,438

Group No.: 2137

Filed: March 30, 2001

Examiner: Pyzocha, M.

For: VIRUS SCANNING PRIORITIZATION USING PRE-PROCESSOR CHECKING

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 22, 2005, finally rejecting claims 1-5, 7-11, 17-23, 25-29, 35-41, 43-47, and 53-59.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

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**CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10\***  
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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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## TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) 572-9306.



Signature

Erica L. Farlow

(type or print name of person certifying)

Date: 4/28/2005

\* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(f). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

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